

**Security Council**

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Statement by the President of the Security Council

At the 5016th meeting of the Security Council, held on 4 August 2004, in connection with the Council's consideration of the item entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council takes note of the letter dated 21 May 2004 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY) addressed to the President of the Security Council (S/2004/420).

"The Security Council also takes note of the letter dated 30 April 2004 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR) addressed to the President of the Security Council (S/2004/341).

"The Security Council thanks the Presidents and Prosecutors of the ICTY and ICTR for these assessments requested by its resolution 1534 (2004), as supplemented by their oral reports at the 4999th meeting of the Security Council on 29 June 2004.

"The Security Council reaffirms its support for the ICTY and the ICTR and welcomes the efforts of both Tribunals to carry out their Completion Strategies. The Council strongly encourages the Tribunals to undertake every effort to ensure that they remain on track to meet the target dates of the Completion Strategies.



"The Security Council stresses that the full cooperation of all States with the Tribunals is not only a mandatory obligation of all States under its resolutions 827 (1993) and 955 (1994) and the Statutes of the Tribunals, but also is an essential element in realizing the Completion Strategies. In this regard the Council takes careful note of the assessments presented with respect to the level of cooperation by the authorities of Serbia and Montenegro and the Republika Srpska within Bosnia and Herzegovina with the ICTY. We welcome as well the commitments made by the new government in Serbia regarding cooperation with the ICTY. The Council takes note of developments in Croatian and Rwandan cooperation with the ICTY and ICTR respectively.

"The Security Council reiterates its call on all States, especially Serbia and Montenegro, Croatia, Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the ICTY, particularly to bring Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina and all other such indictees to the ICTY.

"The Security Council reiterates its call on all States, especially Rwanda, Kenya, the Democratic Republic of the Congo, and the Republic of the Congo, to intensify cooperation with and render all necessary assistance to the ICTR, including on investigations of the Rwandan Patriotic Army and efforts to bring Felicien Kabuga and all other such indictees to the ICTR.

"The Security Council notes with concern that the shortfall in financial contributions from Member States is having a disruptive effect on the work of the Tribunals and urges Member States to fulfil their commitments in a timely manner.

"The Security Council emphasizes the importance of the referral of cases involving lower and intermediate rank accused to competent national jurisdictions in achieving the Completion Strategies, and recalls the provisions of its resolutions 1503 (2003) and 1534 (2004), including the call for assistance to ensure the success of this effort.

"The Security Council also notes the concerns expressed by the President of the ICTY on the effect the expiry of the terms of Permanent Judges may have on case management and takes note of the letter of 15 July 2004 from the Acting Legal Counsel bringing forward an invitation to Member States to submit nominations for Permanent Judges of the International Tribunal for the Former Yugoslavia before 13 September 2004.

"The Security Council encourages further dialogue between the Tribunals and its Working Group on matters of mutual concern.

"The Security Council will remain seized of the matter."